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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,099	10/20/2003	Michael L. Lemke	019411-000810US	3734

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EXAMINER

NGUYEN, KIM T

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,099

Applicant(s)

LEMKE ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 and 33-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 23-32 and 47 is/are rejected.
- 7) ☐ Claim(s) 45, 46 and 48 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Examiner acknowledges receipt of the amendment on 3/16/05.

According to the amendment, claims 45-48 have been added, claims 1-10, 23-32 and 45-48 will be considered, and claims 11-22 and 33-44 are withdrawn from consideration. Claims 1-48 are pending.

Claim Objections

1. Claim 46 is objected to because of the following informalities:

In claim 46, line 1, the claimed limitation "display" should be corrected to "display monitor".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-10, 23-32 and 45-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strisower (US 5,809,482) in view of Meissner et al**

(US 5,779, 546), Rowe et al (US 2002/0039921) and Scibetta (US 6,626,433).

As per claim 1, Strisower discloses a method of tracking players at gaming tables. The method comprises receiving a card from a player, reading player information from the card (col. 4, lines 66-67; and col. 5, lines 1-5). Strisower does not explicitly disclose depicting the player positions on a display, inputting a respective player position on the display associated with the card and determining a regulatory function. However, depicting player positions on a display would have been well known to a person of ordinary skill in the art at the time the invention was made. Support for the well known feature would be found in the teaching of Scibetta in Fig. 9 and in col. 10, lines 27-29. Further, Meissner discloses crediting money to the player's station by indicating the respective position of the player on the touch screen (col. 12, lines 22-30). Since Meissner teaches that touching the screen at the respective player's position would credit an amount of money to the respective player's station, Meissner obviously teaches associating the position of the player to the card of the player in order to deposit money to the correct card. Further, Rowe discloses determining a regulatory function (paragraphs 0030, 0188, and 0043-0044). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display player positions as taught by Scibetta, to associate the card with the player positions as taught by Meissner,

and to determine a regulatory function as taught by Rowe in the method of Strisower in order to prevent unqualified player to participate in the game.

As per claim 2, Rowe discloses a currency buy-in regulation (paragraphs 0043-0044).

As per claim 3, Rowe discloses tracking and storing a currency buy-in amount (paragraphs 0015-0016).

As per claim 4-5, Rowe discloses including a currency transaction threshold regulation (paragraphs 0186, 0154-0155). Further, allowing input of a threshold regulation would have been well known.

As per claim 6, Rowe discloses a currency transaction threshold in a time period (paragraphs 0186, 0190, 0154-0155).

As per claim 7-10, Rowe discloses preventing currency transaction when the currency transaction threshold is reached (paragraphs 0193 and 0161). Further, providing an alert signal when the currency transaction threshold is reached, and providing a reply information and acknowledgement from the alert would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 23, Strisower discloses a system for tracking play on a gaming table. The system comprises a computer database 102 (Fig. 5), a card reader (col. 4, lines 66-67; and col. 5, lines 1-5), a display monitor 122 (Fig. 6)

(col. 5, lines 10-17). Further, refer to discussion in claim 1 above for combining the teaching of Strisower in view of Meissner, Rowe, and Scibetta.

As per claim 24-32, refer to discussion in claims 2-10 above.

As per claim 47, refer to discussion in claim 1 above. Further, Rowe discloses determining a regulatory function for specific player (paragraphs 0186, 0202).

Allowable Subject Matter

4. Claims 45-46 and 48 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to show or fairly suggests a method or a system for tracking players at a gaming table including a plurality of player position as set forth in independent claims 1, 23, and 47 in which the display is configured to display information for the regulatory function at the respective player position of the player depicted on the touch screen as recited in claims 45, 46, and 48, respectively.

Response to Arguments

6. Applicant's arguments filed 3/16/05 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 7, first paragraph, Strisower does not explicitly disclose depicting the player positions of the gaming table on a display. However, depicting player positions on a display would have been well known. Support for the well known feature would be found in the teaching of Scibetta (US 6,626,433) in Fig. 9 and in col. 10, lines 27-29.

b) In response to applicant's argument in page 7, second paragraph, since Meissner discloses indicating a player's station would credit an amount of money to the respective player's station (col. 12, lines 22-30), Meissner obviously discloses associating the position of the player to the card of the player in order to deposit money to the correct card.

c) In response to applicant's argument in page 7, third paragraph, that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, obviousness can be

established in the knowledge generally available to one of ordinary skill in the art.

d) In response to applicant's argument in page 7, last paragraph, through page 8, lines 5, and last paragraph, applicant's argument on the new added claims 45-48 are moot in view of the new ground of rejection.

e) In response to applicant's argument in page 8, first paragraph, refer to the 35 USC 103(a) rejections on claims 23 above.

7. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

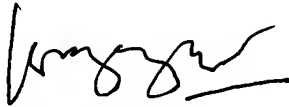
(703) 872-9306, (for formal communications; please mark
"EXPEDITED PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II,
Arlington, VA Second Floor (Receptionist).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (703) 872-9306.

kn
Date: June 9, 2005


Kim Nguyen
Primary Examiner
Art Unit 3713